THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 26544 of 2005

Dated 13.12.2005

Between:

M.R.Pentaiah, S/o.M.Rajaiah,
Residing at 6-6- Old Gunj, Vikarabad, RR.District and others

..... PETITIONER(S)

AND

The Vikarabad Municipality, Rep by its Commissioner, Vikarabad, RR.District and others

.....RESPONDENT(S)

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 26544 of 2005

ORDER:

The petitioners are owners of a petrol pump constructed on 400 square yards of land in Vikarabad municipality. The 1st respondent municipality issued a notice on 21.6.2001 informing the petitioners that the road widening from 'Ananthagiri 'X' road to Alampally road' has been taken up and that an extent of three meters in length towards left/right side of the proposed road is covered by encroachments by raising structures. The petitioners were also requested to vacate the premises/structures to an extent of 54 square meters for the purpose of road widening. The petitioners were also advised to file objections to the same. The petitioners were not willing to part with the land except in accordance with due process of law. Therefore, they sent a reply on 13.8.2001 to the 5th respondent requesting to take steps for acquiring the land in accordance with the Land Acquisition Act, 1894. It is now alleged that the petitioners though filed objections on 13.8.2001, the same were not considered and the respondents are taking coercive steps to occupy the land for the purpose of

widening the road. Therefore, they seek a direction to the respondents not to dispossess them or demolish the structures without due process of law.

Time and again, this Court has held that as and when private property is required either for laying road, widening road or for any other public purpose, all the authorities are required to follow due process of law. A Division Bench of this Court in **P.Lakshmana Rao v. Executive Officer,** has laid down certain guidelines and this Court has repeatedly reiterated those guidelines in number of cases. In spite of this, allegations are heard about the alleged high handed action of the municipalities and the municipal corporations. Therefore, instead of keeping the writ petition pending, the same is disposed of directing the respondent to follow the guidelines laid down by this Court in P.Lakshmana Rao v. Executive Officer (supra). Till the procedure is followed, there shall be status quo.

The writ petition, with the above observations and directions is accordingly disposed of.

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V.V.S.RAO,J

Note:

Furnish CC by tomorrow

(B/o)

msv